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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) No.: CR 05-00507 WHA
13)
Plaintiff,) AMENDED STIPULATION AND ORDER
14) CONTINUING DATES FOR HEARING
v.) AND ~~PROPOSED~~ ORDER EXCLUDING
15) TIME BETWEEN DECEMBER 12, 2005
AND JANUARY 31, 2006 FROM THE
16 BERNARD THOMAS, JR.,) SPEEDY TRIAL CALCULATION (18 U.S.C.
§§ 3161(h)(1)(F) and 3161(h)(8)(B)(iv))
17)
Defendant.)
18) San Francisco Venue

19
20 STIPULATION

21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
22 counsel that:

23 1. The parties have been in communication concerning defendant's motion for
24 discovery and disclosure of exculpatory evidence. The parties have also been engaged in on-
25 going settlement discussions. Based on these discussions, the defendant has agreed to a
26 continuance of the motion until January 31, 2005, at 2:00 p.m.

3. Accordingly, the hearing date on defendant's motion, currently scheduled for December 12, 2005 at 2:00 p.m., should be continued to **January 31, 2006, at 2:00 p.m.**

DATED: KEVIN V. RYAN
United States Attorney

12/12/05 /S/
PHILIP J. KEARNEY
RICHARD J. CUTLER
Assistant United States Attorney

DATED: 12/12/05 /S/
ELENA CONDES
Counsel for defendant BERNARD THOMAS, JR.

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STIPULATION AND ORDER
CONTINUING DATES

ORDER

Based upon the above Stipulation, and for good cause appearing, THE COURT HEREBY ORDERS THAT:

The hearing date on defendant's motion for discovery and disclosure of exculpatory evidence is continued to **January 31, 2005, at 2:00 p.m.** and that the time between December 12, 2005 and January 31, 2006 is excluded from the speedy trial calculation pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and 3161(h)(8)(B).

SO ORDERED.

DATED: December 13, 2005

